

Bill No. SB 1694

Barcode 354818    Comm: RCS    03/27/2006 05:21 PM

586-1999A-06

Proposed Committee Substitute by the Committee on Children and Families

1                                    A bill to be entitled

2            An act relating to community-based care;

3            establishing a 3-year pilot program in

4            Miami-Dade, Monroe, and Broward Counties;

5            providing for the transfer of certain

6            responsibilities from the Department of

7            Children and Family Services to specified

8            community-based care lead agencies; providing

9            for funding the pilot program from block grants

10           and federal funds; requiring that the

11           department enter into fixed-price contracts;

12           requiring that annual financial statements

13           regarding the pilot program be provided to the

14           Governor, the department, and the Legislature;

15           requiring that an independent arbitrator

16           resolve certain disputes related to contracts;

17           requiring that contract management and

18           oversight be conducted by third-party entities;

19           requiring such entities to submit reports to

20           the Governor and the Legislature; providing for

21           the transfer of child welfare legal services to

22           the specified community-based care lead

23           agencies; requiring that the department, the

24           lead agencies implementing the pilot program,

25           and the Agency for Health Care Administration

26           develop a plan for integrating certain Medicaid

27           mental health services; providing that funding

28           is contingent upon an appropriation; providing

29           an effective date.

30

31 Be It Enacted by the Legislature of the State of Florida:

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1           Section 1. (1) A 3-year pilot program is established  
2 for the community-based care lead agencies serving Miami-Dade,  
3 Monroe, and Broward Counties. This pilot program shall allow  
4 for the transfer of the current lead agency oversight  
5 responsibilities of the Department of Children and Family  
6 Services to independent agents and for funding the program  
7 through a block grant that enhances funding flexibility. The  
8 pilot program shall expand the responsibilities and services  
9 provided by these lead agencies to include child welfare legal  
10 services.

11           (2) The Department of Children and Family Services  
12 shall enter into a 3-year contract with the designated  
13 community-based care lead agency serving Miami-Dade and Monroe  
14 Counties and with the designated community-based care lead  
15 agency serving Broward County, which have been established in  
16 accordance with s. 409.1671, Florida Statutes. The contracts  
17 must be fixed-price contracts funded in 36 equal monthly  
18 installments. The first 2 months shall be paid in advance, and  
19 the contract must contain the elements outlined in this  
20 section. The initial 2-month advance payment is due July 10,  
21 2006. The contracts shall be funded by general revenue through  
22 a block grant and by federal Title IV-E funding. The amount of  
23 federal Title IV-E funding allocated in each year of the  
24 3-year pilot program shall be equal to the amount earned by  
25 each of the lead agencies during the 2005-2006 fiscal year.  
26 The state shall be held harmless for any shortfall caused by  
27 the lead agencies' inability to earn the allocated Title IV-E  
28 funding, and each lead agency's contract shall be increased in  
29 accordance with any federal overearnings. Funding in excess of  
30 the contracted amounts for the lead agencies shall be  
31 available only in the event of additional specific legislative

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1 appropriations for services provided under s. 409.1671,  
2 Florida Statutes; an increase in the population of children  
3 served which exceeds 3 percent of the population of children  
4 served on June 15, 2005, by either lead agency; or unforeseen  
5 catastrophic events as determined by the Governor and funded  
6 by the Legislature. The lead agencies shall annually provide  
7 certified audited financial statements to the Governor, the  
8 Department of Children and Family Services, and the  
9 appropriations committees of the Legislature. All other  
10 required fiscal reporting shall be determined by the  
11 independent fiscal monitors selected by the parties. For  
12 purposes of this section, the term "parties" means the two  
13 lead agencies implementing this pilot program and the  
14 Department of Children and Family Services. In order to  
15 facilitate and expedite the execution of this section, the  
16 parties shall engage an independent arbitrator for purposes of  
17 dispute resolution, including any disputes related to the form  
18 and substance of the contract to execute the pilot program,  
19 with an award of fees and costs to the prevailing party. The  
20 arbitrator's role shall be limited to selecting which of the  
21 party's position is more reasonable.

22 (3) Contract management, fiscal oversight, and  
23 programmatic oversight shall be conducted by independent,  
24 nongovernmental third-party entities and shall be conducted in  
25 a manner jointly agreed to by the lead agencies and the  
26 department. The cost of contracting with these independent  
27 entities shall be funded by the department. Notwithstanding  
28 any other provision to the contrary, the pilot program may not  
29 be implemented until the parties have agreed to the selection  
30 of these entities and the manner in which they are to carry  
31 out their responsibilities. Fiscal oversight shall be

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1 conducted in a manner similar to the model used by the  
2 department during the 2005-2006 fiscal year in Miami-Dade and  
3 Monroe Counties. In order to be able to compare the  
4 performance of the pilot program's lead agencies with that of  
5 other lead agencies, the programmatic performance of the pilot  
6 program's lead agencies shall be measured and monitored by  
7 outcome measures contained in their contracts with the  
8 department which are in effect on the effective date of this  
9 section. The independent entities shall submit their reports  
10 directly to the Governor, the President of the Senate, and the  
11 Speaker of the House of Representatives.

12 (4) The department shall transfer the child welfare  
13 legal services program in Broward, Miami-Dade, and Monroe  
14 Counties to the lead agencies effective July 1, 2006. The lead  
15 agency in Miami-Dade and Monroe Counties shall outsource the  
16 child welfare legal services program to the department on July  
17 1, 2006, for no longer than 180 days while the lead agency  
18 develops a transition plan to deliver this service. The lead  
19 agency in Broward County shall outsource the child welfare  
20 legal services program to the Office of the Attorney General  
21 on July 1, 2006, for no longer than 180 days while the lead  
22 agency develops a transition plan to deliver this service.  
23 This subsection does not prohibit the lead agency in Broward  
24 County from continuing to outsource the child welfare legal  
25 services program to the Office of the Attorney General upon  
26 completion of the lead agency's transition plan if mutually  
27 agreed to by the lead agency and the Office of the Attorney  
28 General.

29 (5) The department and the lead agencies implementing  
30 the pilot program shall develop an implementation plan with  
31 the Agency for Health Care Administration regarding the

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1 pending Medicaid mental health reform for the purpose of  
2 implementing a local reform model that allows for the  
3 integration of services in the current systems of care.

4 (6) The moneys in this appropriation are appropriated  
5 to the Department of Children and Family Services for the  
6 2006-2007 fiscal year for the purpose of funding the contracts  
7 provided for in this section. The contracts shall be funded in  
8 the first year as follows: \$104 million for Miami-Dade and  
9 Monroe Counties and \$74.3 million for Broward County. This  
10 section shall be implemented to the extent that appropriations  
11 contained in the General Appropriations Act are available for  
12 such purpose.

13 Section 2. This act shall take effect upon becoming a  
14 law.